

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ORLANDO LEWAYNE PILCHER,

Petitioner,

v.

ROBERT FENTON,

Defendant.

ORDER

09-cv-46-slc¹

In this case, plaintiff Orlando Lewayne Pilcher brought claims making out two distinct lawsuits, one against officials in a federal prison in Mississippi, and another against prison officials at the Federal Correctional Institution in Oxford, Wisconsin, where he is currently incarcerated. After several rounds of correspondence between plaintiff and the court, plaintiff chose to proceed with the “Mississippi lawsuit” and voluntarily dismiss his “Wisconsin lawsuit.” After screening his complaint, plaintiff was allowed to proceed against defendant Robert Fenton. Plaintiff was to return completed marshals service and summons forms by May 19, 2009.

¹ Because consents to the magistrate judge's jurisdiction have not yet been filed by the parties to this action, I am assuming jurisdiction over the case for the purpose of issuing this order.

Now plaintiff has submitted completed forms. However, in his response he states the following:

Therefor, I am asking the court in this jurisdiction (The Western District of Wisconsin) to grant back my claims and leave to proceed against the dismiss defendants or either I'll just bring another claim in the place of the false allegation that where told and given out to this jurisdiction by the jurisdiction in Mississippi.

In addition, plaintiff has submitted two letters in which he describes further allegations of wrongdoing by FCI-Oxford staff. Although plaintiff's language is difficult to interpret, I understand him to be asking for reconsideration of this court's March 17, 2009 and March 31, 2009 orders directing him to choose which lawsuit he wanted to pursue. Also, he appears to be hinting that he may want to dismiss his case if he is not allowed to proceed as he wishes.

I will deny plaintiff's motion for reconsideration. The issues he is raising have been resolved for some time. Plaintiff should be well aware from multiple previous orders that he may not bring both his Mississippi and Wisconsin lawsuits in the same proceeding, and that he is free to voluntarily dismiss his current claims if that is what he wishes. If plaintiff does not voluntarily dismiss his claims, the court will continue to proceed on his Mississippi lawsuit. Because plaintiff cannot proceed on his Wisconsin lawsuit, the allegations against FCI-Oxford staff contained in his letters will be disregarded.

As a final note, plaintiff should be aware that his repeated attempts to argue these

settled issues waste the limited time and resources of the court, which must respond to many litigants, not just plaintiff. If plaintiff submits any more documents raising these issues, they will be docketed in his case but will be given no consideration.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration, dkt. #23, is DENIED.

Entered this 20th day of May, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge